



STATE OF NEW JERSEY

Board of Public Utilities

Two Gateway Center

Newark, NJ 07102

www.bpu.state.nj.us

TELECOMMUNICATIONS

IN THE MATTER OF THE PETITION OF YMAX)
COMMUNICATIONS CORPORATION FOR AUTHORITY)
TO PROVIDE COMPETITIVE LOCAL EXCHANGE,)
EXCHANGE ACCESS AND LONG DISTANCE)
SERVICES THROUGHOUT THE STATE OF)
NEW JERSEY)

ORDER

DOCKET NO. TE05121045

(SERVICE LIST ATTACHED)

BY THE BOARD:

Pursuant to N.J.S.A. 48:2-1 et seq. and Section 253 of the federal Telecommunications Act of 1996, 47 U.S.C. § 151 et seq., and by letter dated December 12, 2005 YMax Communications Corporation. ("YMax" or "Petitioner") filed a Petition with the Board of Public Utilities ("Board") requesting authority to provide competitive local exchange, exchange access and long distance services within the State of New Jersey.

YMax was incorporated under the laws of the State of Delaware on May 24, 2005. Petitioner's principal offices are located at 223 Sunset Avenue, Suite 223, Palm Beach, Florida 33480. Petitioner submitted copies of its Articles of Incorporation, State of Delaware Certificate of Good Standing and its New Jersey Certificate of Authority to operate as a Foreign Corporation. According to the competitive exchange carrier questionnaire submitted by the Petitioner, Petitioner may offer business and/or residential services in all municipalities served by Verizon – New Jersey. Petitioner states that it has authority to offer facilities-based local and resold interexchange services in Florida and Iowa, and has received provisional authority to provide those services in Pennsylvania, pending issuance of permanent authority. Petitioner further states that it also has an application to provide these services pending in New York. Petitioner claims that it has not had any local exchange slamming complaints to date and has not been denied authority nor has its authority been revoked in any state.

Petitioner states that it proposes to offer competitive local exchange service, including exchange access service, and long distance services within the State of New Jersey using unbundled

network elements and resold services available from underlying incumbent local exchange carriers or other facilities-based carriers, and in the future may provide service utilizing its own switched facilities. According to the Petition, Petitioner will negotiate an interconnection agreement with Verizon-New Jersey. Petitioner further states that direct dialed long distance services will be provided by reselling the services of underlying interexchange carriers. Petitioner states that it intends to provide these services through the purchase of unbundled network elements and resale of other carriers' wholesale services. Petitioner states that it will ensure its retail customers have access to 911 service, directory assistance and telecommunications relay services.

Petitioner states that it expects to offer local and long distance services to residential and business customers and that it plans to use Internet Protocol (IP) based solutions that will enable customers to bridge inbound landline and cellular calls to a single telephone number and to make outbound calls to any location in the United States for a monthly fee. Petitioner's toll free customer inquiry and complaint number for New Jersey is 1-888-230-0060. Retail customer service will be available Monday through Friday, 8:00 a.m. – 6:00 p.m. Eastern Standard Time. Petitioner's registered agent and registered office are The Corporation Trust Company, 820 Bear Tavern Road, West Trenton, New Jersey 08628.

Petitioner requests a waiver of N.J.S.A. 48:3-7.8, N.J.A.C. 14:1-4.3 which require that books and records be kept within the State of New Jersey and be maintained in accordance with the Uniform System of Accounts ("USOA"), respectively. In the interest of efficiency and to prevent undue burden, Petitioner requests permission to maintain its books and records in accordance with Generally Accepted Accounting Principles and to keep all books, records, documents and other writings incident to the conduct of Petitioner's business in the State of New Jersey at Petitioner's corporate offices located at 223 Sunset Avenue, Suite 223, Palm Beach, Florida 33480. Petitioner states, upon written notice from the Board, it will provide its books and records at such time and place within New Jersey as the Board may designate and will pay any reasonable expenses for examination of the records.

Petitioner asserts that expedited approval of its Petition will increase the level of local and long distance services competition in New Jersey. As the level of competition increases within this market, consumers as a whole benefit from reduced prices, improved quality of service and enhanced applications of innovative technology. Petitioner states approval of its Petition will provide consumers with a wider selection of products and services from which to choose.

Petitioner states that Ymax has extensive telecommunications experience, with competency in engineering, operations and sales and marketing. Petitioner further states that it will satisfy the minimum standards established by the Board, and will meet the minimum basic standards, including quality of service and billing standards required of all Competitive Local Exchange Carriers (CLECs) regulated by the Board.

DISCUSSION

On February 8, 1996, the Federal Telecommunications Act of 1996, P.L. 104-104, 110 Stat. 56, codified in scattered sections of 47 U.S.C. §151 et seq., was signed into law, removing barriers to competition by providing that:

[n]o State or local statute or regulation, or other State or local legal requirement, may prohibit or have the effect of prohibiting the ability of any entity to provide any interstate or intrastate telecommunications service.

[47 U.S.C. §253(a)]

Therefore, Board approval of Petitioner's entry into the telecommunications marketplace is required, assuming Petitioner meets all other requirements, including, but not limited to, a demonstration of financial, technical, and managerial integrity.

In considering this Petition, the Board recognizes its obligation not to prohibit entry into intrastate telecommunications markets. 47 U.S.C. §253(a). The Board also considers the New Jersey State Legislature's declaration that it is the policy of the State to "provide diversity in the supply of telecommunications services" and the Legislature's findings that "competition will promote efficiency, reduce regulatory delay, and foster productivity and innovation" and "produce a wider selection of services at competitive market-based prices." N.J.S.A. 48:2-21.16(a)(4); N.J.S.A. 48:2-21.16(b)(1) and (3).

Therefore, having reviewed YMax's Petition and the information supplied in support thereof, the Board FINDS that the Petitioner is in compliance with the Board's filing requirements to provide telecommunications services in New Jersey. Accordingly, the Board HEREBY AUTHORIZES the Petitioner to provide local exchange and interexchange telecommunications services throughout New Jersey subject to approval of its tariff. The Board also FINDS that in accordance with N.J.S.A. 48:2-59 and 48:2-60, and N.J.S.A. 52:27E-61 and 52:27E-62, the Petitioner is subject to an annual assessment by both the Board and the Division of the Ratepayer Advocate, respectively. The Board notes that the Petitioner will not be able to provide telecommunications services until a tariff is approved by the Board.

The Board HEREBY ORDERS that:

- 1) Petitioner file its tariff for Board approval.
- 2) Pursuant to N.J.S.A. 48:2-16(2)(b) and N.J.A.C. 14:3-6.3, Petitioner shall file an annual report as of December 31 of each year, which is due on or before March 31 of the following year. Pursuant to N.J.S.A. 48:2-16.3, if Petitioner fails to file an annual report by the due date, Petitioner shall be subject to a penalty of \$5.00 for each day thereafter until such report is filed.
- 3) Pursuant to N.J.S.A. 48:2-59 and 48:2-60, Petitioner shall file a statement of gross intrastate revenues from operations form (AR3-1) as of December 31 of each year, which is due on or before June 1 the following year.

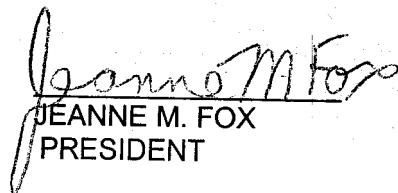
On or before February 1st of each year, the Petitioner will receive from the Division of Audits an annual report package and a statement of gross intrastate revenues from operations form for the preceding calendar year. The purpose of these documents is to report the company's financial information and gross intrastate revenues from operations as of December 31 of each year. The annual report and statement of gross intrastate revenues from operations form are due on or before March 31 and June 1 of the following year, respectively. If Petitioner does not receive these documents, it is Petitioner's responsibility to obtain them from the Board. It is also the Petitioner's responsibility to ensure timely filing of these reports.

Regarding the Petitioner's request for waivers of the Board rules, the Board FINDS that the Petitioner has demonstrated good cause why the Board should grant relief from its requirements that the Petitioner maintain its books and records under the USOA and within New Jersey.

Therefore, subject to the Petitioner's continuing responsibility to provide the Board its books and records upon 48 (forty-eight) hours notice, and in the manner requested, and to pay to the Board any reasonable expenses or charges incurred by the Board for any investigation or examination of these books and records, the Board APPROVES the Petitioner's request for the exemptions from maintaining its books and records in New Jersey and under the USOA.

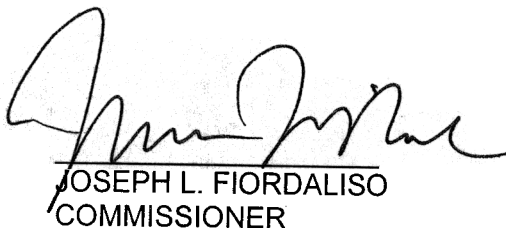
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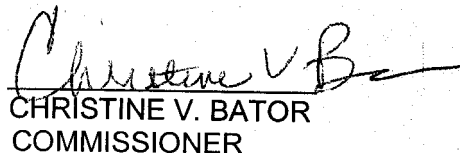
BOARD OF PUBLIC UTILITIES
BY:


JEANNE M. FOX
PRESIDENT

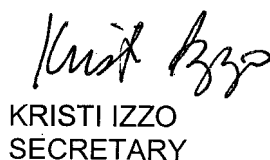

FREDERICK F. BUTLER
COMMISSIONER


CONNIE O. HUGHES
COMMISSIONER

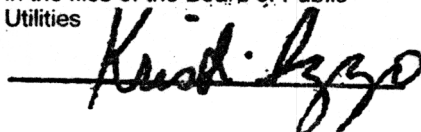

JOSEPH L. FIORDALISO
COMMISSIONER


CHRISTINE V. BATOR
COMMISSIONER

ATTEST:


KRISTI IZZO
SECRETARY

I HEREBY CERTIFY that the within
document is a true copy of the original
in the files of the Board of Public
Utilities



IN THE MATTER OF THE PETITION OF YMAX COMMUNICATIONS CORP.
FOR AUTHORITY TO PROVIDE COMPETITIVE LOCAL EXCHANGE, EXCHANGE
ACCESS AND LONG DISTANCE SERVICES THROUGHOUT
THE STATE OF NEW JERSEY

DOCKET NO. TE05121045

SERVICE LIST

Serial No.	<u>Name and Address</u>	Serial No.	<u>Name and Address</u>
1	Petitioner's Contact Person: Dr. Daniel Borislow, President and CEO YMax Communication Corp. 223 Sunset Avenue Suite 223 Palm Beach, Florida 33480	4	Board's Staff: Walter Szymanski, Director Division of Audits Board of Public Utilities Two Gateway Center Newark, New Jersey 07102
2	Petitioner's Attorney: James H. Laskey, Esquire Norris, McLaughlin & Marcus 721 Route 202-206 Bridgewater, NJ 08807	5	Board's Staff: Anthony Centrella, Director Division of Telecommunications Board of Public Utilities Two Gateway Center Newark, New Jersey 07102
3	Ratepayer Advocate: Seema M. Singh, Esq. Acting Director and Ratepayer Advocate Division of Ratepayer Advocate 31 Clinton Street, 11 th Floor P.O. Box 46005 Newark, New Jersey 07101	6	Deputy Attorney General: Arlene Pasko Department of Law & Public Safety Division of Law 124 Halsey Street, 5 th floor P.O. Box 45029 Newark, New Jersey 07102